AO 91 (Rev. 11/11) Criminal Complaint

12/7/16

# UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED
December 07, 2016
David J. Bradley, Clerk of Court

United States of America
v.
Marc Anthony Hill,
Nelson Alexander Polk,
John Edward Scott, and
Trayvees Duncan-Bush
Defendant(s)

Case No. **H 16-1752M**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 7, 2016 in the county of Harris in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
Title 18, United States Code, Sections 1951(a)	Conspiracy to Interfere with Commerce by Robbery
Title 18, United States Code, Sections 924(c) and 2	Aiding and Abetting Use and Carrying of a Firearm in Furtherance of a Crime of Violence

This criminal complaint is based on these facts:

see attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

FBI Special Agent William A. Applegate
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/7/16

Judge's signature

City and state: Houston, Texas

Dena Palermo, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, William A. Applegate (hereafter Affiant), being duly sworn, do hereby depose and state:

1. I have been a Special Agent with the FBI for six years. I am currently assigned to the Houston Field Office, Violent Crime Task Force. My primary duties are the investigation of various violent crimes, including, bank, commercial business, and armored car robberies. During my law enforcement career, I have investigated criminal matters relating to such violent crimes, bank robberies, commercial robberies, armored car robberies, and violent fugitives. Through these investigations as well as my previous training, I have become familiar with the patterns of activity regarding robbery suspects and the methods they employ to plan, coordinate, and conduct robberies. I have conducted or participated in surveillances, the execution of search warrants, reviews of recorded conversations, and debriefings of defendants, witnesses and informants, and others with knowledge of those involved in the commission of violent crimes.

2. This affidavit is being submitted in support of a criminal complaint and arrest warrant. Your Affiant states that there is probable cause to believe that Marc Anthony HILL, Nelson Alexander POLK, John Edward SCOTT, and Trayvees DUNCAN-BUSH have committed the offenses of Conspiracy to Interfere with Commerce by Robbery, in violation of Title 18, United States Code, Section

1951(a), and Aiding and Abetting Use and Carrying of a Firearm in Furtherance of a Crime of Violence, in violation of Title 18, United States Code, Sections 924(c) and 2.

3. Since March 18, 2016, FBI has been conducting an investigation into a robbery crew recruited, led and managed by **Redrick Jevon BATISTE**. **BATISTE**'s robbery crew primarily targets armored cars as they are servicing and replenishing United States currency in ATMs located outside of banks, a process which may take up to two hours per bank. As the courier exits the armored car with a sealed box containing the currency for the ATM, the courier is assassinated by **BATISTE**, or a member of **BATISTE**'s robbery crew, who fires a rifle from a concealed position some distance away, believed to be located inside a vehicle. Once the courier is down, another member of the crew drives a vehicle to the area of the ATMs, and a third member of the crew exits the vehicle, grabs the box containing the currency, and then re-enters the car. The car containing the currency, and the vehicle from which the shots were fired, both exit the area.

March 18, 2016 Murder and Robbery

4. On March 18, 2016, at the J.P. Morgan Chase Bank, located at 5607 Airline, Houston, Texas, in the Southern District of Texas, Melvin Moore, a Loomis armored transport security courier was murdered while replenishing an ATM with United States currency.

Surveillance video revealed that the shots which killed Moore were fired from some distance, after which a black sedan pulled up. A black male exited the rear of the vehicle and attempted to reach the box containing the currency. However, in his last act, Moore, who had not yet expired, pulled his service pistol and fired at the black male, causing him to re-enter the sedan without obtaining the currency. Moore eventually succumbed to his wounds later that same day.

August 29, 2016 Murder and Robbery

5. On August 29, 2016, bank and armored car surveillance video showed at approximately 5:58pm, outside of the Wells Fargo Bank at 13201 Northwest Freeway, in Houston, Texas, in the Southern District of Texas, David Guzman, a Loomis armored transport security courier was murdered while replenishing an ATM with United States currency. Surveillance video again revealed that the shots which killed Guzman were fired from some distance. After Guzman was down, a blue Toyota sedan pulled up and a black male exited the vehicle. The black male grabbed the container with the currency in it, re-entered the Toyota, and the vehicle exited the area. The container had $120,000 inside of it.

6. On or about September 2, 2016, detectives with HPD conducted an open records request on **BATISTE**, learning that **BATISTE** resided at 1351 Tarberry Road, Houston, Texas. Also, registered in his name at that address was a black Jeep Wrangler.

7. A search of surveillance videos from surrounding businesses for video recorded at the time of the murder/armed robbery occurring on August 29, 2016 was conducted. Agents' attentions were drawn to the video of the Extended Stay America located directly across the street from the scene of the robbery and Guzman's murder. Depicted in the video was a white Toyota 4-Runner which arrived at approximately 2:54pm, and left at approximately 5:57pm, immediately after the murder/armed robbery took place[1]. During the three-hour period that the vehicle was parked in the Extended Stay America lot, the video shows that no one exited or entered the vehicle.

8. On September 7, 2016, officers with the HPD North Tactical unit located in the parking lot of The Meadows on Blue Bell a white Toyota 4-Runner, matching the description of the vehicle seen in the Extended Stay America video, and similar in appearance to the Nissan Pathfinder described by the CS. The license plate on the rear of the vehicle was stolen. The license plate on the front of the vehicle was stolen. Moreover, neither of these license plates matched. The vehicle itself was also listed as stolen based on the VIN number. The owner of the vehicle is Budget Rent-a-Car. The vehicle was reported stolen on June 12, 2015, by a person who had legally rented the vehicle. Officers

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[1] The times on the bank surveillance video and the Extended Stay America video are approximate. The white SUV left the parking lot immediately after the robbery was concluded.

noted that in the rear hatch door of the vehicle, adjacent to the license plate, an aftermarket port hole had been cut out. This port hole was large enough to accommodate a rifle with a scope.

9. Since September 8, 2016, surveillance has shown that the Jeep Wrangler registered to **BATISTE** has regularly traveled from 1351 Tarberry Road, **BATISTE**'s residence, to The Meadows on Blue Bell. During these times, the surveillance established on the Toyota 4-Runner revealed that the Toyota 4-Runner was moved to another parking space within the same parking lot. This occurred on September 14, 2016, at 6:45am, September 27, 2016, at 1:00am, October 8, 2016, at 1:55am, October 12, 2016, at 11:00pm, October 21, 2016, at 8:30pm, October 31, 2016, at 1:37am, November 3, 2016, at 12:15am, and November 7, 2016, at 8:10pm. Officers and agents believe that this movement, and the times during which it is conducted, is meant to conceal **BATISTE**'s identity and to avoid the vehicle being identified by apartment management as being stolen or abandoned and towed away. Each time after the Toyota 4-Runner has been moved, surveillance showed the Jeep Wrangler return to **BATISTE's** residence at 1351 Tarberry Road.

10. On or about October 21, 2016, at approximately 8:30pm, surveillance on **BATISTE**'s Jeep Wrangler showed the vehicle traveling to The Meadows on Blue Bell. Immediately thereafter, surveillance on the Toyota 4-Runner indicated the vehicle leaving the apartment parking lot and traveling to a gas station, and then

to **BATISTE's** residence at 1351 Tarberry Road. Surveillance showed the vehicle being pulled into the garage of the residence and the door being closed behind it. Surveillance established that the vehicle was left running in the garage for approximately 30 minutes. Surveillance indicated that the Toyota 4-Runner was returned to The Meadows on Blue Bell at approximately 9:30pm, and then **BATISTE**'s Jeep Wrangler returned to his residence.

Amegy Bank, 400 North Sam Houston East, Houston, Texas

11. On November 21, 2016, from approximately 8:00am to 11:00am, physical surveillance showed that **HILL** was in the vicinity of the Amegy Bank located at 400 North Sam Houston Parkway East, Houston, Texas.

12. On November 21, 2016, from approximately 11:30am to 5:00pm, physical surveillance indicated that **BATISTE** was in the vicinity of the Amegy Bank at 400 North Sam Houston Parkway East.

13. On November 22, 2016, from approximately 8:00am to 10:00am, surveillance indicated that **HILL** was in the vicinity of the Amegy Bank located at 400 North Sam Houston Parkway East.

14. On November 22, 2016, from approximately 11:10am to 6:00pm, surveillance indicated that **BATISTE** was in the vicinity of the Amegy Bank at 400 North Sam Houston Parkway East.

15. On November 23, 2016, from approximately 8:20am to 1:20pm, surveillance indicated that **BATISTE** was in the vicinity of the Amegy Bank at 400 North Sam Houston Parkway East. At

approximately 11:30am, a Loomis armored car arrived at the Amegy Bank and serviced the stand alone ATM and motor bank area, both of which are located on the first floor of the Amegy Bank parking garage. The armored car then travelled to the main bank building and serviced the main bank. **BATISTE**'s Jeep Wrangler was parked in direct line of sight of the armored car while the ATM and motor bank were serviced. The Jeep Wrangler then moved to the main bank parking area and was in direct line of sight of the armored car while the main bank was serviced.

16. On November 23, 2016, at approximately 12:12pm, while the Loomis armored car was still servicing the Amegy Bank located at 400 North Sam Houston Parkway East, surveillance observed a black Infinity Q56 registered to **HILL** in the parking lot across the street from the Amegy Bank. The Infinity Q56 remained in the parking lot until the Loomis armored car left the Amegy Bank. The Infiniti Q56 then travelled to the Greenspoint Mall parking lot where it parked next to **BATISTE**'s Jeep Wrangler.

17. On November 23, 2016, at approximately 12:30pm, officers identified an older model Chevrolet van with Ohio license plates travelling towards the area at the Greenspoint Mall parking lot occupied by the Jeep Wrangler known to be operated by **BATISTE** and the Infiniti Q56 registered to **HILL**. The van parked close to the Jeep Wrangler and the Infiniti Q56. Officers noted that the driver of the van had the same physical characteristics as **POLK**. Due to

the Ohio license plates and the distinct exterior on the van, officers recognized this van as the same van that was located at 1351 Tarberry, **BATISTE**'s residence, on October 5, 2016. This van was also co-located at 782 Enterprise Street, Houston, Texas with **BATISTE**'s Jeep Wrangler on October 7, 2016. A driver's license records check indicated that **POLK** was issued a Texas driver's license on April 24, 2014 where his listed address was 782 Enterprise Street, Houston, Texas.

18. After the meeting at the Greenspoint Mall, surveillance observed the three vehicles return to the vicinity of the Amegy Bank and travel throughout the streets and neighborhoods near the bank, appearing to be identifying ingress and egress routes from the bank.

19. On November 23, 2016 video surveillance was established at the Amegy Bank located at 400 North Sam Houston Parkway East, Houston, Texas.

20. On November 28, 2016, at approximately 1:15pm, surveillance observed **POLK** in the vicinity of the Amegy Bank in the older model Chevrolet van that he was previously seen in at Greenspoint Mall on November 23, 2016.

21. On November 29, 2016, in case number 4:16-MC-2777, United States District Judge Keith P. Ellison, of the Southern District of Texas, signed an order authorizing the interception of a cellular device bearing phone number 281-630-0305, utilized by

Redrick Jevon BATISTE. **Redrick Jevon BATISTE**, **Marc Anthony HILL**, **John Edward SCOTT**, and **Nelson Alexander POLK**, were named interceptees.

22. According to records received from Enterprise Rent-a-Car, on November 29, 2016, Lavette Muhammad rented a black 2017 Jeep Cherokee, Texas license number HWP3122, Vehicle Identification Number 1C4PJLDB2HW522727, hereafter **TARGET VEHICLE**, from the Enterprise Rent-a-Car located at 3777 Southwest Freeway, Houston, Texas.

23. On November 30, 2016, at approximately 10:30am, a conversation was intercepted between **BATISTE** and **HILL**. **HILL** stated, "Commissary pulling up right now." **BATISTE** responds, "be light with it. I meant to get you today. I'm going to get them burners for these boys so we can fade off these lines. Your phone got space in it?" **HILL** replies, "Yea, I fixing to take care of it right quick." **BATISTE** tells **HILL**, "Put it all there so I can see exactly where you at, you at the cool spot or the apartment." **HILL** tells **BATISTE**, "At the apartment. He pulled in the opposite way." **BATISTE** states, "It's no biggie just put your recorder on and document everything."

24. Based upon my training, experience and knowledge of this investigation, when **HILL** stated, "Commissary pulling up right now," he is telling **BATISTE** that the armored car has arrived at the Amegy Bank, 400 North Sam Houston Parkway East, Houston, Texas,

to service the outside ATMs. This is further corroborated by surveillance officers who were at that location and verified the arrival of the armored car at that time. **BATISTE** responded, "be light with it. I meant to get you today. I'm going to get them burners for these boys so we can fade off these lines. Your phone got space in it?" **BATISTE** is telling **HILL** that he had intended to get **HILL** a burner phone that day with more memory in it. When **HILL** replied, "Yea, I fixing to take care of it right quick," he is telling **BATISTE** that he has enough memory in his phone to record the routine of the armored car. When **BATISTE** told **HILL**, "Put it all there so I can see exactly where you at, you at the cool spot or the apartment," he is telling **HILL** to record everything so that he can see exactly what the routine is. When **BATISTE** asks **HILL** if he is at the cool spot or the apartment, **BATISTE** is acknowledging that they have two spots in the vicinity of the Amegy Bank from which they conduct surveillance of the ATMs. This was further corroborated by surveillance officers who were present at the Amegy Bank and did not see **HILL**. When **HILL** told **BATISTE**, "At the apartment. He pulled in the opposite way," he is telling **BATISTE** that he is at the apartments directly behind and in the line of sight of the bank. He further informs **BATISTE** of the route taken by the armored car when it pulled up to the ATMs. When **BATISTE** stated, "It's no biggie just put your recorder on and document everything," he is telling **HILL** not to worry about the route **HILL** thought the armored car would take, just make sure that he records accurately the route that it did take.

25. On November 30, 2016, at approximately 1:17pm, a conversation was intercepted between **BATISTE** and Bennie **PHILLIPS**. During the conversation **BATISTE** stated, "I'm – I'm still struggling, man. I got my little whip. I got my little whip before I was supposed to. Man, that bitch is so nice, you know what I'm saying, I couldn't tell them don't do what they was doing. That motherfucker so nice I'm having – I'm having trouble trying to – trying to copy this motherfucker, man. So, I just got my thinking cap on. I got a few more options so before a nigga panic and try to swap it out and get another one, I'm a – I'm going to try some more things with this little motherfucker, man. I – hey, but it – it's mint. Man, that – that – that – that – dough be on the way, man. I – hey, but yeah, it – it's mint bro. Ju – the way – because I told my nigga, I was like shit today or tomorrow. Today or tomorrow. I said pay attention all day, bro, don't be sleeping. This is a boring job but niggas doze off. I said man don't be sleeping, dog because today – today it might be the day and if it ain't today it's tomorrow, man nigga. And nigga hit me fifteen minutes after I told you, I said man we got to be on point from woopwoop to woopwoop. . . . That nigga hit me fifteen minutes after that. Say commissary – commissary here. I said uh-huh. So with that being said, uh, I mean I'm over here fucked up,

[unintelligible] I ain't lying. It's just like - it's just like a - all of my other missions, man. I couldn't even, uh-man, I got to take - I got to have two shots every night, man, just to go to bed, bro."

26. Based upon my training, experience and knowledge of this investigation, when **BATISTE** says, "I got my little whip before I was supposed to," **BATISTE** is stating that he received his new vehicle, the **TARGET VEHICLE**, before he had intended to. (It should be noted that **BATISTE** was driving the **TARGET VEHICLE** at the time of this conversation.) When **BATISTE** states, "Man, that bitch is so nice, you know what I'm saying, I couldn't tell them don't do what they was doing," he is speaking in reference to the deal that he got at Enterprise Rental when he rented the vehicle through a third party. When **BATISTE** states, "That motherfucker so nice I'm having - I'm having trouble trying to - trying to copy this motherfucker, man. So, I just got my thinking cap on. I got a few more options so before a nigga panic and try to swap it out and get another one, I'm a - I'm going to try some more things with this little motherfucker, man," he is referencing his failing efforts to copy one of the keys for the **TARGET VEHICLE** so that after the vehicle is returned to the rental agency, he can steal the vehicle from the next renter using the genuine key that he wants to replace with a false key. When **BATISTE** states, "Man, that - that - that - that - dough be on the way, man. I - hey, but yeah, it - it's mint

bro. Ju – the way – because I told my nigga, I was like shit today or tomorrow. Today or tomorrow. I said pay attention all day, bro, don't be sleeping. This is a boring job but niggas doze off. I said man don't be sleeping, dog because today – today it might be the day and if it ain't today it's tomorrow," he was stating that the time for the robbery of the armored vehicle was getting near and that there would be a large amount of money taken in that robbery. He was also stating that he knew that doing surveillance of the bank is boring, but that the information gained would make it worthwhile when they commit the robbery. When **BATISTE** stated, "nigga hit me fifteen minutes after I told you, I said man we got to be on point from woopwoop to woopwoop. . . . That nigga hit me fifteen minutes after that. Say commissary – commissary here," he was telling **PHILLIPS** that fifteen minutes after he admonished **HILL**, who was doing surveillance at the Amegy Bank, to stay alert, **HILL** called him back to tell **BATISTE** that the armored car had arrived at the bank. Surveillance at the bank during this same time period verified that the arrival of the armored car coincided with **HILL**'s call to **BATISTE**. When **BATISTE** stated, "So with that being said, uh, I mean I'm over here fucked up, [unintelligible] I ain't lying. It's just like – it's just like a – all of my other missions, man, I couldn't even, uh-man, I got to take – I got to have two shots every night, man, just to go to bed, bro," he is stating that during the planning of this robbery, not unlike the planning of all his other robberies, there is a great deal of stress involved and that he requires alcohol consumption to get to sleep at night.

27. On November 30, 2016, at approximately 2:16pm, a conversation was intercepted between **BATISTE** and **HILL**. In this conversation, **HILL** asked **BATISTE**, "What was going down?" and **BATISTE** stated, "I solved that problem . . . got me some – got me a towel and some uhh pliers . . . just pull – yeah put the pliers and I bent it, but it ain't it ain't you know it's stainless steel so it will show a mark on there if you've been fucking with it but that towel kept it good." Later in the conversation, **BATISTE** stated, "I'm fixin' to get in here and uh, get to crafting I've got to create that little – create that side panel. I – I – I cut on it last night but – just to make sure I could do it, but I'm gonna do that bitch perfect." **BATISTE** further stated, "what I did I just bust the thing off of there and went and bought – went and bought one that just looked just like it. You know what I'm saying? And shit, went and got'em cut just right, slid'em back on there and that's it."

28. Based upon my training, experience and knowledge of this investigation, when **BATISTE** says, "I solved that problem . . . got me some – got me a towel and some uhh pliers . . . just pull – yeah put the pliers and I bent it, but it ain't it ain't you know it's stainless steel so it will show a mark on there if you've been fucking with it but that towel kept it good," he was

explaining his solution for the problem of being able to exchange a false key for the genuine key for the **TARGET VEHICLE**. When **BATISTE** says, "I - I - I cut on it last night but - just to make sure I could do it, but I'm gonna do that bitch perfect, what I did I just bust the thing off of there and went and bought - went and bought one that just looked just like it. You know what I'm saying? And shit, went and got'em cut just right, slid'em back on there and that's it," he is talking about experimenting with the **TARGET VEHICLE** to insure that he will be able to make the modifications to the vehicle that he wants to prepare it for use in the robbery.

29. On November 30, 2016, **BATISTE** was observed by surveillance driving the **TARGET VEHICLE** as it exited the garage at 1351 Tarberry Road, Houston, Texas, **BATISTE**'s residence, and as it arrived at the Amegy Bank, 400 North Sam Houston Parkway East, where it remained for several hours.

30. On December 1, 2016, surveillance observed **BATISTE** and an individual with the same physical characteristics of **JOHN SCOTT** returning the **TARGET VEHICLE** as scheduled to Enterprise Rent-a-Car.

31. On December 2, 2016, the **TARGET VEHICLE** was lawfully rented by FBI agents and taken to a location where it was equipped with a camera capable of intercepting and recording visual, non-verbal conduct and activities by means of closed circuit

television, as well as interception of oral communications within and in the vicinity of the **TARGET VEHICLE**. Additionally, a kill switch was added which would allow agents to remotely turn off the engine of the **TARGET VEHICLE**. An examination of the set of two keys that were received from the rental agency revealed that only one of the remote entry fobs was operational. An examination of the vehicle itself resulted in the recovery of an aftermarket tracking device located in the engine compartment which would allow the vehicle to be located by persons other than the rental agency.

32. At approximately 6:00am on December 3, 2016, the **TARGET VEHICLE** was parked by FBI agents at a Doubletree Hotel, located 8181 Airport Blvd., Houston, Texas, and physical surveillance was established. At approximately 1:00pm, the black Jeep Wrangler registered to **BATISTE** pulled up to the **TARGET VEHICLE** in the parking lot at the Doubletree Hotel, at which time a black male wearing a hooded jacket which concealed his face exited the Jeep Wrangler, and entered the **TARGET VEHICLE** through the use of remote access to the vehicle. Surveillance then followed the **TARGET VEHICLE** and the black Jeep Wrangler back to The Meadows on Blue Bell at 1:30pm, Houston, Texas. Surveillance showed that the **TARGET VEHICLE** was parked in The Meadows on Blue Bell apartments parking lot and then the black Jeep Wrangler was driven back to 1351 Tarberry, **BATISTE**'s residence.

33. On December 3, 2016, at approximately 4:13pm, a conversation was intercepted between **BATISTE** and **HILL**. In this conversation, **HILL** asked **BATISTE**, "Were you all able to move that go cart yesterday?" **BATISTE** replied, "Oh yeah, shit, I'm going to go pick him up about . . . about uh, 5 or 6. You talking . . . you talking about the peckerwood color?" **HILL** responded, "Yeah." **BATISTE** stated, "Yeah yeah yeah, he . . . he getting shined right now . . . putting a little shine to him and he gonna be done." **BATISTE** further stated, "Yeah, he done. Then, the uh . . . the uh, that other one been put in place, you know what I'm saying. It's time to let him sit . . . let him sit and cool off man. Show he ain't got, he ain't got nobody looking for him or nothing like that and then you know what I'm saying. As long as they don't put no Amber Alert out it's gonna be good right there." **BATISTE** then said, "Let nephew link up with the boy, you know what I'm saying, and that way they could come through, shoot it and boot it. You feel me? As if whatever that way he ain't gotta be try to be careful with his Scooby Doo van. He could just, he could just be in there little whip and just dip through there, you know what I'm saying? Look how he pull up and pull out, you know what I'm saying? And they can see where they are going to park because when he is Scooby Doo-ish, he can't, he can't check around as good. But they could just do that for like an hour or two."

34. Based upon my training, experience and knowledge of this investigation, when **HILL** asked **BATISTE** if he was able to "move that go cart yesterday" and **BATISTE** responds affirmatively and asks if **HILL** is referencing the "peckerwood color," they are discussing getting work done on the white Toyota 4-Runner, which is corroborated with surveillance showing **BATISTE** taking the Toyota 4-Runner to an auto body shop on December 2, 2016. When **BATISTE** states, "that other one been put in place" to allow it time to "let him sit and cool off man," he's referring to the **TARGET VEHICLE** being stolen and letting the vehicle sit to make sure law enforcement are not actively looking for the **TARGET VEHICLE**. When **BATISTE** stated, "Let nephew link up with the boy," he is referring to **POLK** as nephew. When **BATISTE** stated, "they could come through, shoot it and boot it," he is telling **HILL** that **POLK** would be better able to maneuver the **TARGET VEHICLE** into a position where they could grab the money after the armored courier was shot. When **BATISTE** stated, "he ain't gotta be try to be careful with his Scooby Doo van. He could just, he could just be in there little whip and just dip through there, you know what I'm saying? Look how he pull up and pull out," he is telling **HILL** again that the **TARGET VEHICLE** is better than the van that **POLK** drives because it is more maneuverable. When **BATISTE** stated, "they can see where they are going to park because when he is Scooby Doo-ish, he can't, he can't check around as good," he is telling **HILL** that the all-

around visibility from the **TARGET VEHICLE** is better than that of **POLK**'s van. When **BATISTE** stated that, "they could just do that for like an hour or two," he is telling **HILL** that **POLK** will be less conspicuous driving the **TARGET VEHICLE** rather than his van.

35. On December 5, 2016, surveillance revealed that **BATISTE** took the **TARGET VEHICLE** to an auto window tinting shop located in the 2700 block on State Highway 249.

36. On December 6, 2016, **BATISTE** was observed by surveillance operating the **TARGET VEHICLE** as he traveled to the Amegy Bank at 400 North Sam Houston Parkway East, Houston, Texas, where he remained for several hours.

37. On the morning of December 7, 2016, surveillance was established at the Amegy Bank at 400 North Sam Houston Freeway East, by agents and officers. At approximately 9:30am, members of BATISTE's robbery crew began to take positions around the bank. By no later than 10:30am, the Toyota 4-Runner, occupied by **POLK** and **DUNCAN-BUSH** was in an adjacent parking lot with a clear line of sight to the bank's ATMs. At the same time, the **TARGET VEHICLE**, occupied by **BATISTE** was parked in the parking lot of an adjacent apartment complex with a clear line of sight to the bank's ATMs.

38. At approximately 11:00am, officers and agents moved in to apprehend the robbery crew. **POLK** and **DUNCAN-BUSH** saw police and attempted to flee on foot. The two were apprehended after a short foot chase. A semi-automatic pistol was recovered from a

trash bin located along the route that **POLK** and **DUNCAN-BUSH** ran.

39. When **BATISTE** saw officers approaching, he began shooting at them and officers returned fire. **BATISTE** was struck in the leg and in the chest and died after being removed from the scene.

40. When **HILL** saw officers converging on his criminal confederates, he attempted to drive from the area surrounding the bank and was stopped and apprehended by officers several hundred yards from the bank.

Based on the foregoing facts, your affiant believes that probable cause exists for the issuance of a complaint and arrest warrant for March Anthony HILL, Nelson Alexander POLK, John Edward SCOTT, and Trayvees DUNCAN-BUSH, charging them with Conspiracy to Interfere with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951(a), and Aiding and Abetting the Use and Carrying of a Firearm in Furtherance of a Crime of Violence, in violation of Title 18, United States Code, Sections 924(c) and 2.

WILLIAM A. APPLEGATE
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 7th day of December, 2016, and I find probable cause.

DENA PALERMO
United States Magistrate Judge